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In re Application of: BEHRENS, Sven-Erik, et al. :
U.S. Application No.: 10/532,050 :
PCT No.: PCT/US03/28654 : DECISION
International Filing Date: 12 September 2003 :
Priority Date: 13 September 2002 :
Attorney's Docket No.: P51375 :
For: A SET OF UBIQUITOUS CELLULAR PROTEINS :
INVOLVED IN VIRAL LIFE CYCLE :
:

This decision is issued in response to applicants' 14 April 2005 facsimile submission seeking to confirm 11 March 2005 filing of a national stage application based on international application PCT/US03/28654. The submission is treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 12 September 2003, applicants filed international application PCT/US03/28654 which claimed a priority date of 13 September 2002 and which designated the United States. The deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 13 March 2005.

On 11 March 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment for the basic national fee.

In April 2005, applicants contacted the USPTO and learned that there was no record of the 11 March 2005 filing.

On 14 April 2005, applicants filed the petition considered herein. The petition includes a copy of the materials filed 11 March 2005 and a copy of a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 11 March 2005.

DISCUSSION.

The original papers filed by applicant on 11 March 2005 have been located and processed to initiate the present national stage application. The materials filed 11 March 2005 bear a USPTO receipt stamp dated 11 march 2005, confirming the asserted filing date. Accordingly, applicants' present petition to confirm the earlier filing is moot.

CONCLUSION

Applicants' petition under 37 CFR 1.181 to confirm the 11 March 2005 filing of a national stage of PCT/US03/28654 is MOOT.

The original materials filed by applicants on 11 March 2005 have been processed to initiate the present national stage application.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

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